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cate of public convenience and necessity, regardless of any reasons urged against it which do not pertain directly to the traveling public.

GREGORY GRAMLING

Automobiles: "Family doctrine", making owner responsible for child's negligence, not recognized in Wisconsin.—The so-called family doctrine as applied in some states does not obtain in Wisconsin, and the father is not responsible for the negligent operation of his automobile by his minor child merely because of the relationship existing between them, but liability must be predicated on the principals of agency.¹ A man may be a guest in his own automobile while it is being driven by his son.² In this case the son was on an errand of his own, but had invited his father, the owner of the automobile used, to ride with him. Held that even though the father was the owner of the car, he was simply the guest of his son on this particular trip, and since the son was not about the business of the parent, but on his own private affairs, the father was in no way liable.

In a most recent case—a minor daughter, nineteen years of age, drove the family automobile without parental permission and, while on the way to town to purchase a watermelon for her own use, pleasure and satisfaction (for she was the only one in the family who indulged) struck and injured plaintiff. The Wisconsin Supreme Court held that the theory that it was the father's duty to furnish necessities of life did not apply, and as the daughter was engaged in her own affairs, just as much as if she had driven to town to mail a letter or buy a bag of candy, the father could not be held liable.³

There are many states—in fact the majority—which are in accord.⁴ The rule in all these jurisdiction seems to coincide with that of Massachusetts: "The father is not liable for the damages resulting from the negligent operation of the family automobile unless it can be conclusively shown that the child was acting as the agent of the parent. The burden of proof is on the plaintiff."⁵

H. M. K.

Evidence: Admissions in course of negotiations for compromise held admissible.—The defendant's daughter, nineteen years of age, while driving her father's automobile, struck the plaintiff, causing personal injuries. In an action for the resulting damages a witness was permitted to testify that he and the plaintiff interviewed the defendant with reference to a settlement, and during the course of the conversation the latter stated that at the time of the accident his daughter was in the

¹ *Crossett v. Goelzer*, 177 Wis. 455, 188 N. W. 627.

Giffert v. Kayser, 179 Wis. 571, 192 N.W. 26.

² *Ruter v. Gooches*, 173 Wis. 493.

³ *Papke v. Haerle*, 207 N. W. 261.

⁴ *Volentine v. Wyatt*, 261 S. W. 308.

Idemoto v. Schedecker, 226 P. 922.

Johnstone v. Stroock, 201 N.Y. Sup. 705.

Curtis v. Harrison, 253 S. W. 470.

⁵ *Haskell v. Albiani*, 139 N. E. 516. (See note 9, Marquette Law Review, 198.)